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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 MICHAEL D. SMITH,

10 *Plaintiff,*

11 vs.

12 WARDEN NEVENS, *et al.*

13 *Defendants.*
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2:11-cv-01152-KJD-LRL

ORDER

16 This *pro se* prisoner civil rights case by a Nevada state inmate comes before the Court
17 on plaintiff's application (#1) to proceed *in forma pauperis* and for initial review.

18 The papers submitted are subject to multiple defects.

19 First, plaintiff failed to attach the required attachments for a pauper application by a
20 person in custody. Both a financial certificate properly executed by an appropriate
21 institutional officer and a statement of the plaintiff's inmate trust fund account for the past six
22 months are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Plaintiff attached a
23 financial certificate from a Nevada state district court form, and he did not attach a statement
24 of his inmate trust fund account for the past six months. This is federal court, not state court,
25 and plaintiff must use this Court's required forms with all required attachments.

26 Second, the plaintiff did not initiate the action on a proper complaint form as required
27 by Local Rule LSR 2-1. Plaintiff instead filed a complaint on a state court form captioned for
28 a state district court. This, again, is federal court, not state court.

1 IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis*
2 is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new
3 complaint on the proper form in a new action together with either a pauper application on the
4 required form with all required attachments or the required filing fee.

5 The Clerk of Court shall enter final judgment accordingly, dismissing this action without
6 prejudice. The Clerk shall send plaintiff a copy of the papers that he filed herein along with
7 a copy of a pauper application for an incarcerated person, a Section 1983 complaint form,
8 and the instructions for each form.

9 DATED: July 14, 2011

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14 KENT J. DAWSON
15 United States District Judge
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